

REMARKS

We have carefully considered the Office Action dated September 10, 2002 in which claims 34-41 are rejected over a combination of a co-pending application no. 09/868,020 owned by a common assignee and United States Patent 4,837,414 to Edamula; claims 34-36 and 38-43 are also rejected as being anticipated by the '414 patent; and claim 37 is rejected as obvious over the '414 patent in combination with United States Patent 5,710,409 to Schwarzbaker et al.

The Examiner cites a co-pending application as a provisional obvious-type double patenting rejection. The current application has a filing date that precedes the filing date of the cited co-pending application. Accordingly, the term of any patent granted on the current application will not exceed the term of any patent granted on the cited co-pending application. Further, as set forth in the claims of the co-pending application, the various functions that are associated with first and second sets of parameters are all accessible through the control panel of the appliance. In contrast, the current appliance operates in accordance with a first set of functions that can be selected and/or controlled using the appliance control panel and a second set of functions that specifically cannot be selected and/or controlled through the appliance control panel, as set forth in the pending independent claims and the claims that depend therefrom.

The Examiner cites the '414 patent as anticipating claims 34-36 and 38-43. However, the system of the '414 patent essentially removes the conventional controls of a cooking oven from the heating chamber, as discussed in column 2, lines 41-53. Specifically, the '414 system physically separates the mechanism for providing control signals to the oven from a

“main body,” which includes a heating chamber and a mechanism that controls the heating chamber in accordance with supplied input signals. The oven controls are included in a relatively complex remote controller that transmits the user-supplied signals to the main body. (Column 2, lines 49-53). As depicted in Figure 3C, the conventional control panel has been replaced with a transmitter 16 and a receiver 15 (See, Column 4, lines 18-25).

The '414 patent does not anticipate claims 34-36 and 38-43 of the current application because, *inter alia*, the '414 system does not include a control panel through which a first set of functions can be selected and controlled.

The controller in the '414 system includes a bar code scanner. The user supplies information to the controller by scanning a bar code from a recipe. The controller first analyzes the bar code to determine if the code represents information that the electronics in the main body will understand, and if so, the controller transmits the information to the main body. The '414 system, with its complex controller, thus more closely resembles the bar code scanning systems discussed in the Background section of the application (page 2), rather than the current system which provides extra functionality without complicating the conventional appliance control panel.

The '414 patent alone, or in combination with the cited co-pending application, does not teach or suggest the current invention, because, *inter alia*, the combination does not teach or suggest an appliance control system in which the first set of functions is selected and controlled through use of an appliance control panel and the second set of functions is not accessible through the control panel but is instead selected and controlled through use of a controller.

The '409 patent, which was discussed in the Remarks section of the Preliminary Amendment, describes a system in which a user must compose a program for the appliance and then transmit the program to the appliance. In the '409 system, the user selects this new program by manipulating corresponding newly programmed knobs and buttons of the control panel. The teachings of the '409 patent add programmability to both the remote controller and the main body of the '414 system. Thus, the combination is more complex than the '414 system alone. Accordingly, the combination does not teach or suggest the current invention.

To address the Examiner's Section 112 rejection, we have amended the independent claims to reflect that the user selects a first set of pre-programmed appliance functions and provides the necessary parameter values through the use of various knobs or buttons on the control panel. Further, the user selects and provides the necessary parameter values for the second set of functions through the controller. The two sets of functions are clearly defined in the claims, with the second set of functions being those functions that **cannot** be selected and/or controlled through the control panel, regardless of what type of information the user supplies to the control panel.

We agree with the Examiner that the references cited as pertinent do not teach or suggest the current invention.

In light of the above, we respectfully request that the Examiner reconsider his

rejections and issue a Notice of Allowance for all pending claims, as amended.

Please charge any additional fee occasioned by this paper to our Deposit Account No.

03-1237.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patricia A. Sheehan", is written over a horizontal line.

Patricia A. Sheehan
Reg. No. 32,301
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500